Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No. 90-1253

In The

SUPREME COURT of the UNITED STATES

October Term 1990

SUSAN J. FASSE and ELIZABETH FASSE,
PETITIONERS.

v.

PATRICIA HODGSON, RESPONDENT.

PETITION FOR A WRIT OF CERTIORARI
TO THE STATE OF GEORGIA SUPREME COURT

REPLY

Rule 15.6

THOMAS V. CASSIDY
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ARGUMENT

I.

Due Process "actual" Notice

Respondent in her BRIEF IN OPPOSITION presents no authorities contrary to this Court's due process "actual" notice requirements as held in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (70 SC 652) (1949); *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791 (103 SC 2706) (1983); *Tulsa Professional Collection Services, Inc. v. Pope, Executrix Of The Estate Of Pope*, 485 U.S. 478 (1988) and *City of New York v. N.Y., N.H. & H.R. CO.*, 344 U.S. 293, 294, 296, 297 (1953). The minimum "notice" being U.S. postal mailing, which was not done here.

The respondent's only argument in opposition to due process "actual" notice is the allegation that if an entity

"hears" or "knows" or has knowledge of the court proceeding than this satisfies due process "actual" notice requirements and shifts the burden to the knowledgeable entity to *"Bird Dog"* the court house to become aware of orders, awards and judgments that may be either adverse or favorable.

This contention has been specifically rejected by this Court in *City of New York v. N.Y., N.H. & H.R. CO.*, 344 U.S. 293, 294, 296, 297 (1953) as not comporting with 14th Amendment U.S. Constitution and *Mullane*, *Mennonite* and *Tulsa*, supra, due process "actual" notice requirements.

City of New York v. N.Y., N.H. & H.R. CO., 344 U.S. 293, (1953) at pages 294, 296 and 297:

> *" ... creditors had to depend for their notice on two once-a-week publications of the order in five daily newspapers, one of which was the Wall Street*

Journal. New York thus received no copy of the bar order. Its lien claims were never filed. (Note: The "bar order" refers to the date for timely filing a claim, objections to dischargeability and\or complaint to determine dischargeability.)

"Notice by publication is a poor and sometimes a hopeless substitute for actual service of notice. Its justification is difficult at best. See Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306. No ... excuse existed to justify subjecting New York's claims to the hazard of forfeiture arising from "constructive notice" by newspaper.

"Nor can the bar order against New York be sustained because of the city's knowledge that reorganization of the railroad was taking place in court. The argument is that such knowledge puts a duty on creditors to inquire for themselves about possible court orders limiting the time for filing claims. But even creditors who have knowledge of a reorganization have a right to assume that the statutory "reasonable notice" will be given them before their claims are forever barred.

Reversed.

"Mr. Justice Frankfurter and Mr. Justice Jackson ... agree

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with the opinion that the notice is not adequate support for an order destroying the liens." (Emphasis added)

See also these cases citing and following as controlling *City of New York*, supra, and *Mullane*, *Mennonite*, and\or *Tulsa*, supra: *In Re Rogowski*, 115 B.R. 409, 410, 412, 413, 414, 415 (Bkrtcy.D.Conn. June 21, 1990); *U.S. Small Business Admin. v. Bridges*, 894 F.2d 108, 109, 111, 112 (5th Cir. 1990); *In Re C.S.T. Const. Co., Inc.*, 231 B.R. 840, 842, 843 (Bkrtcy.N.D.Illinois, E.D. 1982).

Whether petitioner Susan's January 31, 1989 Motion for Arbitration Continuance on the providential grounds, with medical doctors' affidavits, of her female major pelvoscopy within her abdominal and pelvic cavities for the surgical removal of tumors while an in patient and under general anesthetic in

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surgery in Chattanooga, Tennessee, (A. 178, 179, 180) was granted or not granted, it was, (A. 161) is irrelevant to the issue of whether 14th Amendment due process "actual" notice of the entry of the arbitration award was satisfied.

The triggering event that set in motion the mechanical forces which deprived petitioners of their owner interest in their property was the entry of the arbitration awards without due process "actual" notice pursuant to *Mullane*, *Mennonite*, *Tulsa* and *City of New York*, supra, by personal or mail service, and by only "publishing" the awards on a limited access 7th floor of the court house bulletin board and keeping another copy of the awards locked in the private 7th floor office of the Civil Arbitration Administrator is not enough. See Ms. Kimberly A. Warden, Arbitration

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Administrator, July 31, 1989 affidavit. (A. 164).

The Georgia Supreme Court's own Local Rule 1000 paragraph 14 (A. 118, 119) does not give the least suggestion or slightest hint of what "publishing" the award means. Even if the rule said, *"The award will not be mailed or served personally upon the parties nor filed with the clerk of the court nor printed in a newspaper of general circulation within the county, but only put on a wall in a court house"*, it would not be enough to satisfy due process "actual" notice. Query: which court house? There are three (3) in downtown Atlanta, Fulton County, to wit; the Superior Court House, the State Court House and on down the street a few blocks the City of Atlanta Court House. Due process "actual" notice has been totally ignored by the Georgia Supreme Court's special judicial

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legislative Rule and is not only repugnant to the U.S. Constitution, 14th Amendment but to the Constitution of the State of Georgia, Article 3, Section 6, Paragraph 4 (a) and (c); (Reply Appendix page 14 *[hereinafter: "R.App."]* and Article 1, Section 1, Paragraph 2. (R.App. 15).

The Georgia Supreme Court holds that in this Southern State of the Union only pleadings are required to meet the due process "actual" notice test of mailing or personal service and specifically excludes judgments, orders and awards that deprive a citizen of "his life, liberty or property without due process of law". SEE: ***Davis v. Gaona***, 260 Ga. 450, 451, 454; 396 S.E.2d 218 (1990) cited by respondent at page 11 of her brief. This decision alone is persuasive reasoning for this Court's supervision

and ruling that the judgments herein should be reversed and that the due process "actual" notice provisions of Georgia mandatory arbitration Rule 1000 are unconstitutional. In ***Davis***, supra, the Georgia Supreme Court in a convoluted decision of judicial diabolical reasoning passes on the constitutionality of its own State-wide local rule 1000 and "OK's" it. Liken to asking a waiter how the food on the menu is when he has an interest in the restaurant. Here is a part of the Georgia Supreme Court's reasoning at page 454 that the "publication" requirement of Local Rule 1000, paragraph 14 satisfies U.S. Constitution 14th Amendment and ***Mullane***, ***Mennonite***, ***Tulsa*** and ***City of New York***, supra, due process "actual" notice requirements: *"Appellant contends that the rule is void because it requires only that the award be published to the*

parties. Appellant says this violates OCGA, sec. 9-11-5 (b) which requires that after original service all subsequent pleadings be sent by mail. An arbitration award is not a pleading within the meaning of OCGA, sec. 9-11-5 (b)." {Note: neither is a final judgment or an order of court at any stage.} *"Appellant further complains that the award is filed with administrator of the arbitration program rather than with the clerk of the court. Rule 1000 provides that if no demand for trial de novo is made within 30 days of the award any party may move for the entry of a consent judgment and dismissal with prejudice based upon the award. If this occurs, the judgment would be filed with the clerk of the court as would any other judgment."* {What one wonders appalled of this "Catch 22" provision is: if the motion for

judgment is filed pursuant to Local Rule 1000, paragraph 17 (Res.App. 10) the arbitration award must be attached to the motion for judgment and thus becomes a pleading but due process "actual" notice of it does not have to be given, even though this is more than 30 days after the entry of the arbitration award and the offended party has lost his automatic right to demand a trial de novo and thus his property has been cast to judicial and executive execution by fiere facias. On the other hand the filing of the final judgment with the clerk, which was not done in these cases, *[in petitioner Susan's case it disappeared from the court records entirely, a fact not disputed by respondent* (Petition pages 27 and 28)*]* "*based upon the arbitration award*" is long after the fact and all, if any, procedural due process "actual" notice guarantees and rights have

evaporated and been extinguished. Even court house *"Bird Dogging"* would not have saved the day for petitioners and other citizens so situated in this imbroglio.

This Court is going to have straighten all of this out. If the State of Georgia is going to enter into this area it must do it in an equitable and constitutionally correct manner or not at all. The stakes are too high with a view to the American way of life.

II.

Equal Protection

The States' obligation to each citizen and entity to the "equal protection of the laws" requires that there be no "state action" depriving any classified persons or groups of due process of law or due process "actual" notice, and that any classification be reasonable and uniform and in furtherance

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of the states' exercise of its police power.

The Georgia State-wide mandatory arbitration Rule 1000 with its arbitrary classifications of litigants' cases as qualifying or not qualifying for arbitration and the classifying of arbitration litigants' due process "actual" notice to "publication" only, versus other litigants due process "actual" notice to mailing and personal service is of itself violative of the "equal protection of the laws" clause of the U.S. Constitution 14th Amendment where in both instances the end result is a final judgment affecting vested property interests. ***Reed v. Reed***, 404 U.S. 71, 75-76 (1979).

Rule 1000 is judicial legislation which is not an exercise of the police power of the State of Georgia.

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Respondent cites ***United States v. Maryland Savings-Share Insurance Corp.***, 400 U.S. 4 (1970) which involves a federal statute, the Internal Revenue Code, 26 USC 501 et.seq., containing a "grandfather clause" as to exemption from a tax pre-enactment property rights. It has nothing to do with "state action" and the 14th Amendment "equal protection clause". The 5th Amendment, U.S. Const., does not contain and "equal protection of the laws" provision. Respondent's attorneys should know this.

Cited, also, by respondent is this Court's 1935 ***Bayside Fish Co. v. Gentry***, 297 U.S. 422 (1935) which interpreted as valid a California public law enacted pursuant to the State's police power with the purpose of conservation of its fish supply for human food. A cite far removed from the issues of this action.

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If the Georgia Supreme Court's purpose in enacting arbitration Local Rule 1000 with its lack of 14th Amendment due process "actual" notice, as alleged by respondent, was for "speedy, efficient and inexpensive resolution of disputes and prosecutions" it would be underinclusive and would not only invidiously discriminate against those litigants whose cases were arbitrarily sent to arbitration, but also be overbroad with respect to those litigants whose cases were not cast to arbitration and thus at all stages of their litigation be assured of due process "actual" notice by U.S. mailing or personal service. ***Eisenstadt v. Baird***, 405 U.S. 438, 447, 451 (1972). *[Cited by respondent. Why, it is not known.]*

The Georgia Supreme Court, on certification from the U.S. 11th Circuit

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Court of Appeals, in *Celotex v. St. Joseph Hospital*, 259 Ga. 108, 110 (376 S.E.2d 880) (1989) adopts this Court's reasoning in *Eisenstadt*, supra, in invalidating a State statute lifting a statute of limitation as to certain classified claims as violative of the Georgia Constitution "equal protection of the laws" guarantee. Article 1, Section 1, Paragraph 2. (R.App. 15)

III.

Scandalous, Irrelevant and Immaterial Matters in Respondent's Brief Warrants It Be Disregarded and Stricken

United States Supreme Court Rule 24.6:

"A brief must be ... free from burdensome, irrelevant, immaterial and scandalous matters. A brief not complying with this paragraph may be disregarded and stricken by the Court."

Respondent's Brief In Opposition and the attached affidavit of attorney H. Brian Sams (Res.App. 2,3) contains scandalous, untruthful, irrelevant and

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immaterial matters offered only to embarrass and prejudice this Court against petitioners and their counsel and violates this Court's Rule 24.6 and respondent's brief should be disregarded and stricken. Respondent's attorneys employed this same tactic in the trial court and were orally admonished in open court by Trial Judge C. Cooper to "knock off" this reprehensible conduct. They again employ it before this Court.

Petitioners and their attorneys at the trial court level immediately responded to this censurable attorneys' action with the filing of petitioner's verified Motion and Brief Pursuant To Georgia Uniform Court Rules, Rule 21 (R.App. 5, 6, 7, 8) and (R.App. 17) on August 17, 1989. On August 26, 1989 the trial court, before it could set for hearing petitioner's Rule 21 Motion, denied petitioner Susan's motion to set

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aside judgment (App. 123). Due to respondent's attorneys continuing garnishment of petitioners' assets in their law firms' name (R.App. 12, 13), when neither the law firm or respondents' attorney were judgment creditors (App. 167, 204) petitioner Susan Fasse in order to stop this and remove nisi prius jurisdiction was required to prematurely file her Notice Of Appeal four (4) days later on August 30, 1989. (R.App. 9-11) Notwithstanding the outcome of these proceedings upon final remittitur of these actions, petitioners Georgia Uniform Court Rule 21 Motion (R.App. 5-8) will be tried and otherwise appropriately dealt with by an appropriate agency of Georgia state government. These attorneys' conduct demonstrate the desperation of their client's position on these appeals and their own financial

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interest in the outcome of these cases, since these attorneys will have to pay back to one or both of the petitioners the monies they have already taken by their questionable garnishment maneuvering should their client lose. (R.App. 12, 13)

For a further but brief narration of this matter the Court is here referred to *"End Note One"* infra. (Reply Appendix 18)

CONCLUSION

Petitioners request the relief first before prayed in their Petition-Brief.

Respectfully Submitted.

Thomas Vincent Cassidy
Attorney for Petitioner

2648 Sharondale Circle, N.E.
Atlanta, Georgia 30305
404/237-0494

March 20, 1991
Atlanta, Georgia

Appendix

054671

CERTIFICATE OF ADMISSION

TO THE BAR OF ILLINOIS

I, JULEANN HORNYAK, Clerk of the Supreme Court, State of Illinois, do hereby certify that

THOMAS VINCENT CASSIDY

has been duly licensed and admitted to practice as an Attorney and Counselor at Law within this State; has taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by Law, that said name was entered upon the Roll of Attorneys and Counselors in my office on the 10th day of October A.D. 1957 *and is in good standing, so far as the records of this office disclose*.

IN WITNESS WHEREOF, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said state,

this 23rd day of January A.D. 1991.

/s/ JULEANN HORNYAK

Clerk

TO:
Thomas Vincent Cassidy
Attorney at Law
2648 Sharondale Circle, NE
Atlanta, Georgia 30305

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

To Applicant for Admission to Practice:

I am pleased to notify you on behalf of the Justices that the motion for your admission to practice was granted and that you are now a member of the bar of the Court and an officer of the Court. As such you will have all the privileges of membership which include the use of the extensive law library located on the third floor. If my office can be of assistance to you in any matter that falls within our competence, we will be glad to do so.

Your certificate will be mailed in approximately 12 weeks.

You were admitted on February 19, 1991.

Joseph F. Spaniol, Jr.

Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

P. B. HODGSON, Plaintiff,	]	CIVIL ACTION
vs.	]	NO. D-14463
SUSAN FASSE, Defendant.	]	Filed In Office Aug. 17, 1989

MOTION AND BRIEF PURSUANT TO GEORGIA UNIFORM COURT RULES, RULE 21

Comes now Susan Fasse, defendant herein, by and through counsel of record David N. Levine and respectfully moves this Court pursuant to Rule 21 of Georgia Uniform Court Rules as follows:

1.

Defendant shows that the following pages of Plaintiff's Brief in Opposition to Defendant's Motion to Set Aside Judgment should be stricken, sealed or otherwise have access limited by reason of the facts herein after SET FORTH:

(i) Pages 2, 3 and 4 of said Brief;

and:

(ii) Paragraphs 7 and 8 of the Affidavit of H. Brian Sams, Esq. attached thereto.

2.

Defendant shows that such pages and said paragraphs of such affidavit contain obnoxious, incendiary, prejudicial, illegal, and most importantly totally irrelevant and immaterial matters.

3.

That such matters contained therein were inserted *solely* to *harm and embarrass other counsel in this* case and to attempt to prejudice the Court against defendant's Motion to Set Aside Judgment.

4.

That such matters set forth therein further contain alleged statements made by one attorney to another which are in violation of the attorney-client privilege.

5.

That plaintiff's counsel well knows that such statements were plead with *no good or just cause or reason*.

6.

That defendant is entitled to an award of reasonable attorney's fees herein.

Wherefore, defendant prays that the Court inquire into the matter and strike such pleadings, seal same or in the alternative, limit access thereto and addition, award defendant reasonable attorney's fees.

_____/s/ David N. Levine_____
DAVID N. LEVINE
Attorney for Defendant

Georgia, Fulton County

Personally appeared before me the undersigned authority SUSAN J. FASSE who after being sworn, on oath deposes and

states that the allegations contained in the with and foregoing Motion Pursuant to Rule 21, Georgia Uniform Court Rules are true and correct.

This 17th of August, 1989.

___/s/ Susan Fasse_____
SUSAN FASSE

Sworn to before me
this 17th day of August, 1989.

_____/s/ David N. Levine_____
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that I have this day served counsel for plaintiff with a copy of the within Motion by mail at his office address as provided by law.

This 17th day of August, 1989.

___/s/ David N. Levine_____
DAVID N. LEVINE
Attorney for Defendant

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

P. B. HODGSON, Plaintiff,	]	CIVIL ACTION
vs.	]	NO. D-14463
SUSAN FASSE, Defendant.	]	Filed In Office Aug. 30, 1989

NOTICE OF APPEAL

Notice is hereby given that Susan Fasse defendant above named, hereby appeals to the Georgia Supreme Court from the Order denying her Motion to Set Aside Judgment entered in this action on the 26th day of August, 1989.

The Clerk will please omit from the record on appeal all discovery motions, discovery filings and discovery orders.

This Court, rather than the Court of Appeals has jurisdiction of this case on appeal pursuant to Article 6, Section 6,

paragraph II of the Constitution of the State of Georgia for the reason that the Georgia Supreme Court has exclusive appellate jurisdiction in a case where the constitutionality of a law is in question. At issue here is whether Local Rule 1000 of the Fulton Superior Court is violative of the due process clause of the Constitutions of the United States of America and the State of Georgia in its application.

This 30th day of August, 1989.

_____/s/ David N. Levine_____
DAVID N. LEVINE
Ga. Bar No. 448400
Attorney for Appellant

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing NOTICE OF APPEAL upon opposing counsel herein by depositing same in the United States Mail with sufficient

postage affixed thereon and addressed as follows:

Henry B. Sams, Esq.
1916 Piedmont Road
Atlanta, Georgia 30324

This 30th day of August, 1989.

_____/s/ David N. Levine_____
DAVID N. LEVINE
GA. BAR NO. 448400
Attorney for Appellant

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

NOTICE OF SERVICE TO:
Charles S. Baker
201 Allen Road, Suite 402
Atlanta, Georgia 30328-4836

MOFFETT & HENDERSON, P.C., Attorneys, Plaintiff(s)	GARNISHMENT SUMMONS NO. 89-16925-G
-versus-	
ELIZABETH J. FASSE, Defendant(s)	
GEORGIA FEDERAL BANK FSB, Garnishee. 20 Marietta Street 6th Floor Atlanta, Ga. 30303	

MARSHAL'S ENTRY OF SERVICE

GEORGIA, FULTON COUNTY

I have this day served Summons of Garnishment issued upon the within Affidavit on Georgia Federal Bank by serving same on Ms. McKinney it Mgr. and

personally in charge of the office and place of business at the time of service on Garnishee in said County at 1050 o'clock A.M.

This 19 day of July, 1989.

/s/ N.W. Thomas 422, Deputy Marshal.

==========

Constitution: State of Georgia

Article 3, Section 6, Paragraph 4:

(a) Laws of a general nature shall have uniform operation throughout the state and no local or special law shall be enacted in any case for which provision has been made by an existing general law, except that the General Assembly may by general law authorize local governments by local ordinance or resolution to exercise police powers which do not conflict with general laws.

(c) No special law relating to the rights of status of private persons shall be enacted.

Constitution: State of Georgia

Article 1, Section 1, Paragraph 2:

Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.

Official Code of Georgia, sec. 9-11-56:

(e) Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in the evidence, and shall show affirmatively that the affiant is competent to testify to the matters therein.

(g) Should it appear to the satisfaction of the court at any time that any of the affidavits presented ... are presented in bad faith ... the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees, and any offending party may be adjudged guilty of contempt.

United States Supreme Court Rule 24.6:

A brief must be ... free from burdensome, irrelevant, immaterial and scandalous matters. A brief not complying with this paragraph may be disregarded and stricken by the Court.

Georgia Uniform Court Rules.

21. LIMITATION OF ACCESS TO COURT FILES

All court records are public and are to be available for public inspection unless public access is limited by law or by the procedure set forth below.

21.1 *Upon motion by any party to any civil action, after hearing, the court may limit access to court files respecting that action. The order of limitation shall specify the part of the file to which access is limited, the nature and duration of the limitation, and the reason for the limitation.*

End Note One:

Petitioners' attorney Thomas V. Cassidy after education at the University of Notre Dame and Northwestern University School of Law was admitted to practice by the Illinois Supreme Court on October 10, 1957 (R.App. 1); admitted to the Bar of this Court on February 19, 1991 (R.App. 3) upon motion, application and Certificate Of Admission and Good Standing of the Illinois Supreme Court dated January 23, 1991 (R.App. 1); Cassidy's late father was a former Attorney General of Illinois and served for a period pro tem as Governor of that State during the incapacity of then Governor Horner; for many years Cassidy has served as an ad hoc member, for this turn (pro hac vice), of the Georgia State Bar Association Alcohol and Drug Committee promulgated by the Georgia Supreme Court to assist alcohol and

chemically impaired judges and lawyers under the chairmanship of Henry Troutman (404/433-3259) formerly a law partner of Troutman and Sanders of Atlanta; in addition, Cassidy for many years has actively assisted the committee of the Illinois State Bar Association's Lawyers Assistance Program promulgated by the Illinois Supreme Court to assist alcohol and chemically impaired judges and lawyers, both with a satisfactory measure of success; for many years Cassidy has devoted a majority of his free time to voluntarily working in the private and public area of chemical dependency; many, many years ago, and beyond his midlife, Cassidy through medical diagnosis learned of his allergy to ethyl alcohol; immediately sought medical treatment and has not for years to present used any type of alcoholic beverage and never in

life used drugs either recreational or abusively; this malady and disease is not uncommon to the neighborhood of the world's population, and the contracting of it by a man or woman cannot be regarded as unprofessional, especially when such individuals are big enough people to do something about it as did Cassidy years ago.

As to the affidavit assertions of respondent's attorneys, to wit, Henry Brian Sams: Cassidy was not on the date of Sams' affidavit [August 16, 1989] (Res.App. 2, 3) or presently under investigation by any "state bar"; as to the affidavit allegation of attorney Sams regarding hearsay statements of persons Stephanie Davis (Res.Brief. 3), [Note: Sams at this point incorporates by reference Davis into his affidavit (Res.App. 2), her name is no where to be found there]; Kim Warden

(Res.App. 2) and attorney "Mr. Sallee" a\k\a Attorney Mark Thomas Sallee (Res.App. 2, 3) are not of Sams' personal knowledge, do not set forth such facts as would be admissible in the evidence and attorney Sams could not give testimony to these hearsays pursuant to Official Code of Georgia, sec 9-11-56 (e). (R.App. 16) and are presented in bad faith by attorney Sams and respondents attorneys pursuant to Official Code of Georgia, sec 9-11-56 (g) (R.App. 16) and subject these attorneys to expenses, attorneys fees and contempt of the Georgia Superior court. (R.App. 16) Davis', Warden's and Sallee's affidavits were never produced by respondent's attorneys as was Civil Administrator Kimberly A. Warden's affidavit by petitioners' attorney, (App. 164) and attorney Mr. Sallee by his own admission was <u>not</u> one of petitioners'

attorneys at the time of Sams' affidavit. Mr. Sallee had prior been discharged by petitioners Fasse and Cassidy for misappropriation and conversion of client's funds and seethed with ill-will. Yet another matter for the appropriate tribunal or agency of Georgia state government.

Thomas V. Cassidy apologizes to the Court that this scandalous and untrue matter must be discussed but as petitioners' attorney feels too strong an obligation to his clients-petitioners to yield to the slightest chance that they might be prejudiced in the eyes of this Court by these prevarications.

The rules of this Court require respectful reverence and strict obedience.

It's "OK" to be an advocate but it's not "OK" to abuse people.

Respectfully,

/s/ Thomas V. Cassidy

THOMAS V. CASSIDY, so certifies.

Attorney for Petitioners
March 20, 1991